

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

STATE FARM FIRE AND CASUALTY)
COMPANY, as subrogee of TALUS)
PROPERTIES, INC., and MELROSE)
MIDTOWN, LLC,)

Plaintiff,)

Case No. 2:19-cv-2330-JPM-cgc

TALUS PROPERTIES, INC. and)
MELROSE MIDTOWN, LLC)

Intervening Plaintiffs,)

v.)

JOSE ALFREDO SANDOVAL,)

Defendant.)

ORDER DENYING MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

This Cause is before the Court on Plaintiff State Farm Fire and Casualty Company's filing of its Amended Complaint on April 6, 2020. (ECF No. 31.) Federal Rule of Civil Procedure 15(a)(2) provides, "[A] party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." An amended complaint filed without leave is a legal nullity and has no effect. See United States ex rel. Mathews v. HealthSouth Corp., 332 F.3d 293, 296 (5th Cir. 2003).

Defendant filed its Answer to Plaintiff's Complaint on August 12, 2019, and Plaintiff's Amended Complaint was filed on April 6, 2020, long after Rule 15(a)(1)'s 21-day filing period had run. See Fed. R. Civ. P. 15(a)(1). (ECF No. 19.) Given that Plaintiff did

not file a motion for leave to amend and that Plaintiff did not receive Defendant's written permission to file its Amended Complaint,¹ the Court **DENIES** Plaintiff leave to file the Amended Complaint. Plaintiff's Amended Complaint has no legal effect. See Mathews, 332 F.3d at 296. Any future Amendment must comply with Rule 15(a)(2) and Rule 16(b)(4), as the deadline for filing motions for leave to amend the pleadings passed on April 6, 2020.² 1704 Farmington, LLC v. City of Memphis, No. 08-2171-STA, 2019 WL 2065337, at *2 (W.D. Tenn. July 10, 2009) ("[W]here the deadline for a party to amend its pleadings set by a Rule 16(b) scheduling order has passed, courts will consider the proposed amendments in light of Rule 16(b)."). (ECF No. 27 at PageID 80.)

SO ORDERED, this 14th day of April, 2020.

/s/ Jon P. McCalla

JON P. McCALLA
UNITED STATES DISTRICT JUDGE

¹ Plaintiff's Amended Complaint also does not provide a Certificate of Consultation and thus violates Local Rule 7.2(a)(1)(B).

² Although the Scheduling Order indicates that the Deadline for Motions to Amend Pleadings passed on April 5, 2020, that day was a Sunday. See Fed. R. Civ. P. 6(a)(1)(c).